

PATENT
Docket No: CX03022USU (04CXT0006D)
Serial No.: 10/751,013

REMARKS

STATUS SUMMARY

Claims 1, 2, 4-6, 8-13, 15-31 are pending in the present application. Claims 1, 2, 5-7, 10-13, 16-19, and 22-24, 26-28, and 30 were rejected. Claim 7 was objected to and claims 4, 8, 9, 15, 20, 21, 25, 29, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this paper, Applicant has amended claims 1 and 8, canceled claim 7 without prejudice, and traversed the rejections under 35 U.S.C. §§ 102(e) and 103(a).

Applicant has considered the above-identified Office Action and cited references, and replies as set forth below to place the application in condition for allowance.

CLAIM OBJECTIONS

The Examiner has objected to claim 7 as not further limiting any claims that come before it. Applicant has cancelled claim 7 making the objection moot.

CLAIM REJECTIONS - 35 U.S.C. § 102(e)

Claims 1, 2, 7, 12-13, 18, 19, and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,043,206 to *Herdey* et al. ("*Herdey*"). Applicant respectfully traverses this rejection in view of the discussion below.

Claim 1, as amended, recites "an attenuator within the DC feedback correction servo-loop capable of generating an attenuation coefficient k_b ." The function of the attenuator is described

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throughout the present application, and more specifically, some of the effects that may be obtained by utilizing an attenuator where the attenuation coefficient k_{fb} is varied are described in paragraphs [040] through [043], pages 13-14, of the specification, as well as how the attenuator attenuation coefficient k_{fb} may be implemented in paragraphs [044] and [045], pages 14-15.

In the above-identified Office action as well as the prior non-Final Office action, the Examiner has contended that “the filter 110 [of *Herdey*] reads on the attenuator as claimed because the filter 110 attenuates the frequency components that are outside of its low pass band.” As stated in a previous response, Applicant believes that *Herdey* teaches that its low-pass filter 110 functions merely to smooth out the signal outputted from the low-pass filter 110 to the summing device 102, as is conventional for low-pass filters, and does not teach that this low-pass filter 110 would function to reduce the effects of the forward gain of the baseband section in the manner taught in the present application.

In response to the latter argument, the Examiner has stated that the feature of reducing the effects of the forward gain of the baseband section is not recited in rejected claim 1. What is recited in claim 1, as amended, however, is an attenuator with the capability to generate an attenuation coefficient k_{fb} , and as described in the above-cited paragraphs of the specification, this capability includes the feature of reducing the effects of the forward gain of the baseband section as well as other features dependent on the attenuation coefficient k_{fb} selected. None of this is taught or described in *Herdey*.

The Examiner also explains (on page 3) that “the filter 110 is capable of generating an attenuation coefficient K_{fb} as evidenced by McGeehan (see column 4, lines 19-21).” But, when McGeehan is reviewed, it states:

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Where A_1 and A_2 represent the attenuation coefficients of filters 11 and 15, respectively, $t \rightarrow t-D_1-D_2$ means replace t by $t-D_1-D_2$, D_1 is the delay of the filter 10, and D_2 is the delay of filters 11 and 15."

Therefore, what the McGeehan is evidence of is changing delays of the filters not the coefficient k_{fb} as claimed by the Applicant. Applicant in paragraphs [040-043] describes k_{fb} as a coefficient that:

"moves the transfer function high-pass pole, or the corner frequency, to a lower value. Therefore, a larger attenuation coefficient k_{fb} results in smaller resistor R and capacitor C values for the desired corner frequency."

Thus, k_{fb} is not changing delays as described in the McGeehan patent.

Herdey, therefore, fails to teach or describe all of applicant's claim limitations in independent claim 1, as amended. And McGeehan is not evidence of attenuation coefficient k_{fb} . Thus, independent claim 1 is also in condition for allowance.

Claims 2 and 8 depend directly or indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above regarding claim 1.

Independent claim 12 recites "means for producing an attenuation coefficient k_{fb} within the DC feedback correction servo-loop." Therefore, claim 12 is patentable for at least the same reasons as set forth above regarding claim 1.

Claim 13 depends directly from claim 12, and therefore is patentable for at least the same reasons as set forth above regarding claim 12.

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Independent claim 18 recites "attenuating the processed feedback signal with an attenuation coefficient k_{fb} to create an attenuated feedback signal." Claim 18 is therefore patentable for at least the same reasons as set forth above regarding claim 1.

Claims 19 and 22 depend directly or indirectly from claim 18, and therefore are patentable for at least the same reasons as set forth above regarding claim 18.

In view of the foregoing, Applicant respectfully submits that claims 1, 2, 7, 12-13, 18, 19, and 22 are patentable under 35 U.S.C. § 102(e) over *Herdey*. Therefore, Applicant respectfully requests that this rejection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 5, 6, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Herdey*. Applicant respectfully traverses this rejection. Claims 5 and 6 depend indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above with regard to claim 1. Likewise, claims 16 and 17 depend indirectly from independent claim 12, and therefore are patentable for at least the same reasons as set forth above with regard to claim 12.

In view of the foregoing, Applicant respectfully submits that claims 5, 6, 16 and 17 are patentable under 35 U.S.C. § 103(a) over *Herdey*. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Herdey* in view of U.S. Patent No. 6,459,889 to *Ruelke* ("*Ruelke*"). Applicant respectfully traverses this rejection. Claims 10 and 11 depend directly or indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above with regard to claim 1.

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Moreover, claims 10 and 11 each recite "a controller in signal communication with the baseband section and the attenuator." *Ruelke* fails to teach or suggest such a controller. Referring to Figure 1 of *Ruelke*, *Ruelke's* controller 162/168 is in signal communication with an amplifier 164/170 and not with an attenuator capable of generating an attenuation coefficient k_p .

In view of the foregoing, Applicant respectfully submits that claims 10 and 11 are patentable under 35 U.S.C. § 103(a) over the combination of *Herdey* and *Ruelke*. Therefore, Applicant respectfully requests that this rejection be withdrawn.

OTHER CLAIM AMENDMENTS

Applicant has canceled claim 7 without prejudice as being duplicative of its independent base claim 1, as amended. Applicant has amended claim 8 to change its dependency in view of the cancellation of claim 7.

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CONCLUSION

In light of the above remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

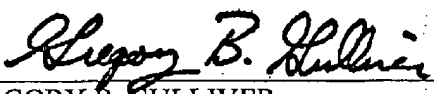
If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

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